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EXAMINER

ROBERTS, JESSICA M

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2621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,497

Applicant(s)

JANSSEN, THEODORUS MARIA

Examiner

JESSICA ROBERTS

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/86)
Paper No(s)/Mail Date 10/15/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim(s) 1-5 is/are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent¹ and recent Federal Circuit decisions² indicate that a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim(s) recite a series of steps or acts to be performed, the claim(s) neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. For example the method for controlling a red-light camera including the steps of "detecting", "detecting", and "generating" is of sufficient breadth that it would be reasonably interpreted as a series of steps completely performed mentally, verbally, or without a machine. The Applicant has not tied the method for controlling a red-light camera including the steps of "detecting", "detecting", and "generating" to a particular apparatus to perform the method as claimed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

¹ *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

² *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lock et al.,
WO- 2001/20581.

Regarding **claim 1**, Lock teaches A method for controlling a red-light camera at a traffic light by detecting vehicles which pass through the traffic light (means for detecting presence of a vehicle or object beyond a location at which said vehicle or object is required to stop in response to said change in status, pg. 2 line 25-27) and making at least one recording when a vehicle passes during a period in which the red light of the traffic light is activated (The apparatus includes digital cameras 17-19 (refer Fig. 2) connected to a digital computer 20 within housing 16 for recording digital images of the intersection in the event of a rd light infringement, i.e., a vehicle fails to stop and proceeds past white stop line 21 marked on the roadway associated with traffic light 11, after light 11 has turned red, pg. 5 line 6-11 and fig. 2), comprising detecting for part of the activation period the red light is on (Each image recorded may include an inset within the image showing time, date and location of an infringement and may show red light time, i.e., the time in seconds and tenths of seconds that the signal had been showing red, pg. 7 line 9-11), and generating at least one record that is made in precisely that part of the activation period (The image recording apparatus according to the present invention may be adapted to record an image substantially at the moment that a traffic light changes to red, pg. 2 line 32 to pg. 3 line 1. The moment in which the image recording apparatus is considerably within the exact moment the light changes to red, thus Lock reads upon the claimed limitation).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lock et al., WO—001/20581 A1 in view of Moore et al., US-6,707,393.

Regarding **claim 2**, Lock is silent in regards to the method claim 1, wherein said red light bums in flashing manner during the activation period, wherein the moment that the red light comes on is detected in the case of at least some of the flashes and therefrom is determined the moment at which the at least one recording is made. Lock does disclose that the image recording apparatus according to the present invention may be adapted to record an image substantially at the moment that a traffic light changes to red, pg. 2 line 32 to pg. 3 line 1.

However, Moore teaches wherein said red light bums in flashing manner during the activation period (The retrofitted traffic control signal will produce a flashing red light

having a very distinctive blue hue, column 3 line 11-13), wherein the moment that the red light comes on is detected in the case of at least some of the flashes (Since Moore discloses that the retrofitted traffic control signal will produce a flashing red light, it is clear to the examiner that by producing the flashing red signal would be indicative that the light is red is on, which reads upon the claimed limitation, column 3 line 11-13) and therefrom is determined the moment at which the at least one recording is made (Since Lock discloses the image recording apparatus according to the present invention may be adapted to record an image substantially at the moment that a traffic light changes to red, pg. 2 line 32 to pg. 3 line 1, and Moore discloses the red light burns in a flashing manner (column 3 line 11-13), now Locks' method incorporating the teachings of Moore discloses to record an image substantially at the moment that the traffic light changes to a flashing red light, which reads upon the claimed limitation).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Moore with Lock for providing greater visibility and to be more distinguishable over extraneous interfering light sources, (Moore, column 3 line 14-17).

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lock et al., WO—001/20581 A1 in view of Moore et al., US-6,707,393 and further in view of Jang et al., WO-2001/46931 A1.

As to **claim 3**, Lock (modified by Moore) as a whole teaches everything as claimed above, see claim 2. Lock is silent in regards to the method claim 2, characterized in that the red light is powered by an alternating current, at least one zero passage of the alternating current is detected, and on the basis of the at least one detected zero passage a recording signal generated when the vehicle passes and is transmitted to the red- light camera.

However, Jang teaches the method claim 2, characterized in that the red light is powered by an alternating current (in order to drive an LED bulb, power is supplied from an AC power unit 10 for supplying power to an AC bulb for a traffic signal lamp 140, pg. 5 line 4-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Jang with Lock (modified by Moore) for providing

However Lock (modified by Moore and Jang) teaches at least one zero passage of the alternating current is detected, and on the basis of the at least one detected zero passage a recording signal generated when the vehicle passes and is transmitted to the red- light camera (Lock discloses the image recording apparatus according to the present invention may be adapted to record an image substantially at the moment that a traffic light changes to red, pg. 2 line 32 to pg. 3 line 1. Jang discloses in order to drive an LED bulb, power is supplied from an AC power unit 10 for supplying power to an AC bulb for a traffic signal lamp 140, pg. 5 line 4-6). Since Lock discloses where an image is recorded at the moment that the light changes red, and Jang discloses the traffic

signal is powered with AC current, it would have been obvious to one of ordinary skill in the art that when the light changes from one light (green, amber, to red) to a red light, the power would change for the traffic light, thus it is clear to the Examiner that Lock now modified by Jang more than fairly discloses that as the traffic light changes color (red, green, amber), so does the power consumed, which reads upon the claimed limitation. Further, Lock discloses that the image is recorded the moment the light changes to red, it would have been obvious that the change in the power consumption would be observed by the image recorder for the red light, which reads upon the claimed limitation).

Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to for the effective and efficient for accurate image acquisition.

8. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lock et al., WO—001/20581 A1 in view of Moore et al., US-6,707,393 in view of Jang et al., WO-2001/46931 A1 and further in view of Mee et al., US-6,111,523

As to **claim 4**, Lock (modified by Moore and Jang) as whole teaches everything as claimed above, see claim 3. Lock is silent in regards to the method of claim 3, wherein said recording signal is corrected for a response time of the red-light camera.

However, Mee teaches wherein said recording signal is corrected for a response time of the red-light camera (In a specific embodiment, the presence signals are responsive to the presence of the vehicle over an induction loop 22 buried in the road

and located outside the intersection zone. When the rear edge 30 of the vehicle 26 passes over the trailing edge 25 of the induction loop (the part of the loop closest to the intersection) a signal is transmitted indicating a shift from "presence" to "absence" of the vehicle, i.e., a "drop-out." A photograph is then taken after a calculated trigger time has elapsed, column 5 line 9-17).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Mee with Lock (modified by Moore and Jang) for providing an improved system for monitoring and photographing moving vehicles, (Mee, column 1 line 31-34).

As to **claim 5**, Lock (modified by Moore, Jang and Mee) as a whole teaches everything as claimed above, see claim 4. Lock is silent in regards to the method of claim 4, wherein said response time is determined each time a recording is made, and the subsequent recording signal is corrected for the thus determined response time.

However, Mee teaches wherein said response time is determined each time a recording is made, and the subsequent recording signal is corrected for the thus determined response time (In general, the camera system may be triggered to photograph a vehicle at different locations with respect to the intersection. For example, the camera may be triggered to photograph the vehicle prior to its entrance to the intersection while the traffic light is red (pre-violation). It may also be subsequently triggered to photograph the vehicle while it is inside the intersection, e.g., at the intersection zone. It may also be triggered to photograph the vehicle at some other

point, e.g., a default photograph. In any of those cases, the control system transmits signals to the camera system resulting in the triggering of those photographs, column and fig. 7). Therefore, it is clear to the Examiner that Mee discloses providing a trigger to determine when photographs of the vehicle at the red should be taken, which reads upon the claimed limitation).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Mee with Lock (modified by Moore and Jang) for providing for providing an improved system for monitoring and photographing moving vehicles, (Mee, column 1 line 31-34).

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lock et al., WO—001/20581 A1 in view of Mee et al., US-6,111,523

As to **claim 6**, which is substantially the same as claim 1, in addition to a timing controller to generate a signal at the moment in time at which the generated recording signal is transmitted to the red-light camera.

However, Mee teaches an apparatus of the invention includes a device for triggering a camera to photograph a vehicle within the intersection, where the triggering of the camera is preferably dependent both upon presence information and on the speed of the vehicle before entering the intersection. The device includes a sensor system to transmit signals corresponding to a moving vehicle and a control system for processing the signals and triggering the camera, column 2 line 46-53. Since Mee

teaches to include a device for trigger a camera to photograph a vehicle within the intersection, it is clear to the examiner that the use of the trigger controls the timing of the photographs which reads upon the claimed limitation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Mee with Lock for providing an improved system for monitoring and photographing moving vehicles, (Mee, column 1 line 31-34).

10. Claims 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lock et al., WO—001/20581 A1 in view of Mee et al., US-6,111,523 and in view of Moore et al., US-6,707,393

As to **claim 7**, Lock (modified by Mee) as a whole teaches everything as claimed above, see claim 6. In addition, Lock is silent in regards to the device of claim 6, wherein said red light burns in a flashing manner during the activation period, and said red light detector is adapted to detect in the case of at least some of the flashes that moment that the red light comes on and to transmit this moment t the timing controller.

However, Moore discloses (wherein said red light burns in a flashing manner during the activation period) The retrofitted traffic control signal will produce a flashing red light having a very distinctive blue hue, column 3 line 11-13) and said red light detector is adapted to detect in the case of at least some of the flashes that moment that the red light comes on (Since Moore discloses that the retrofitted traffic control

signal will produce a flashing red light, it is clear to the examiner that by producing the flashing red signal would be indicative that the light is red is on, which reads upon the claimed limitation, column 3 line 11-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Moore with Lock (modified by Mee) for providing

Lock (modified by Moore) is silent in regards to transmit this moment to the timing controller.

However, Mee discloses to transmit this moment to the timing controller (column 8 line 4-17).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Mee with Lock (modified by Moore) for providing an improved system for monitoring and photographing moving vehicles, (Mee, column 1 line 31-34).

As to **claim 9**, Lock (modified by Mee and Moore) as a whole teaches everything as claimed above, see claims 7 or 8. Lock is silent in regards to The device of claim 7 or 8, wherein said timing controller comprises a delaying element.

However, Mee teaches where in said timing controller comprises a delaying element (see fig. 7 element 320).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporated the teachings of Mee with Lock (modified by

Moore) for providing an improved system for monitoring and photographing moving vehicles, (Mee, column 1 line 31-34).

As to **claim 10**, Lock (modified by Mee, Moore, and Jang) as a whole teaches everything as claimed above, see claim 9. Lock is silent in regards to the device of claim 9, wherein said delaying element is adjustable.

However, Mee teaches wherein said delaying element is adjustable (The actual delay period depends on how the timer is set which may be based on either the calculated initial delay period .DELTA.T3 or the calculated trigger time .DELTA.T2. The camera preferably takes the second photograph based on either the calculated trigger time .DELTA.T2 (when the vehicle is at location 506) or a default photograph using the initial delay period .DELTA.T3 (when the vehicle is at location 508). Both the calculated trigger time .DELTA.T2 and the initial delay period .DELTA.T3 should be based on some multiple of the transit time .DELTA.T1, which is preferably stored in computer memory (see FIG. 6) and which is preferably the measurement of the actual time elapsing for the vehicle to travel from one position sensor to the other and thus is dependent on the vehicle's speed, column 12 line 54-67 and fig. 6 & 7. Since Mee discloses the delay is based on the transit time, which is dependent upon the vehicles speed, it is clear to the Examiner that the transit time would vary as it is determined on a car by car basis, therefore, since the delay is based upon the transit time, the delay would vary (adjust) based on the transit time, which reads upon the claimed limitation).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Mee with Lock (modified by Moore and Jang) for providing an improved system for monitoring and photographing moving vehicles, (Mee, column 1 line 31-34).

As to **claim 11**, Lock (modified by Mee and Moore) as a whole teaches everything as claimed above, see claim 10 above. Lock is silent in regards to the device of claim 10, wherein said timing controller is adapted to determine the flashing frequency of the red light and to adjust the delaying element on the basis thereof.

However, Mee teaches wherein said timing controller is adapted to determine the flashing frequency of the red light and to adjust the delaying element on the basis thereof (This feature 308 may include measuring the time of the right light cycle of traffic signal 40, then subtracting a predetermined time period (e.g., 1.0 second) to arrive at a modified red light cycle, column 11 line 53-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Mee with Lock (modified by Moore) for providing an improved system for monitoring and photographing moving vehicles, (Mee, column 1 line 31-34).

As to **claim 12**, Lock (modified by Mee, and Moore) as a whole teaches everything as claimed above, see claim 10. Lock is silent in regards to the device of claim 10, wherein said timing controller is adapted to determine a response time of the red-light camera and to adjust the delaying element on the basis thereof.

However, Mee teaches wherein said timing controller is adapted to determine a response time of the red-light camera (In a specific embodiment, the presence signals are responsive to the presence of the vehicle over an induction loop 22 buried in the road and located outside the intersection zone. When the rear edge 30 of the vehicle 26 passes over the trailing edge 25 of the induction loop (the part of the loop closest to the intersection) a signal is transmitted indicating a shift from "presence" to "absence" of the vehicle, i.e., a "drop-out." A photograph is then taken after a calculated trigger time has elapsed, column 5 line 9-17), and to adjust the delaying element on the basis thereof (col. 12 line 54-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Mee with Lock (modified by Moore) for providing an improved system for monitoring and photographing moving vehicles, (Mee, column 1 line 31-34).

Regarding **claim 13**, Lock (modified by Mee and Moore) as a whole teaches everything as claimed above, see claim 12. Lock is silent in regards to The device of claim 12, wherein a red light camera detector is connected to the timing controller and is capable measuring the response time of the red-light camera at each recording.

However, Mee teaches wherein a red light camera detector (fig. 2 element 36) is connected to the timing controller (column 9 line 39-46, fig. 2 element 34, and fig. 7 and is capable measuring the response time of the red-light camera at each recording (column 11 line 53-56 and fig. 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Mee with Lock (modified by Moore) for providing an improved system for monitoring and photographing moving vehicles, (Mee, column 1 line 31-34).

11. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lock et al., WO—001/20581 A1 in view of Mee et al., US-6,111,523 and in view of Moore et al., US-6,707,393 and further in view of Jang et al., WO-2001/46931 A1.

As to **claim 8**, Lock (modified by Mee and Moore) as a whole teaches everything as claimed above, see claim 7. Lock is silent in regards to wherein said activation detector is adapted to detect at least one zero passage of an alternating current powering the red light and to transmit the crossing of said current to the timing controller.

Lock discloses the image recording apparatus according to the present invention may be adapted to record an image substantially at the moment that a traffic light changes to red, pg. 2 line 32 to pg. 3 line 1. Jang discloses in order to drive an LED bulb, power is supplied from an AC power unit 10 for supplying power to an AC bulb for a traffic signal lamp 140, pg. 5 line 4-6). Since Lock discloses where an image is recorded at the moment that the light changes red, and Jang discloses the traffic signal is powered with AC current, it would have been obvious to one of ordinary skill in the art that when the light changes from one light (green, amber, to red) to a red light, the

power would change for the traffic light, thus it is clear to the Examiner that Lock now modified by Jang more than fairly discloses that as the traffic light changes color (red, green, amber), so does the power consumed, which reads upon the claimed limitation

As to **claim 9**, Lock (modified by Mee, Moore and Jang) as a whole teaches everything as claimed above, see claims 7 or 8. Lock is silent in regards to The device of claim 7 or 8, wherein said timing controller comprises a delaying element.

However, Mee teaches where in said timing controller comprises a delaying element (see fig. 7 element 320).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporated the teachings of Mee with Lock (modified by Moore and Jang) for providing an improved system for monitoring and photographing moving vehicles, (Mee, column 1 line 31-34).

As to **claim 10**, Lock (modified by Mee, Moore, and Jang) as a whole teaches everything as claimed above, see claim 9. Lock is silent in regards to the device of claim 9, wherein said delaying element is adjustable.

However, Mee teaches wherein said delaying element is adjustable (The actual delay period depends on how the timer is set which may be based on either the calculated initial delay period .DELTA.T3 or the calculated trigger time .DELTA.T2. The camera preferably takes the second photograph based on either the calculated trigger

time .DELTA.T2 (when the vehicle is at location 506) or a default photograph using the initial delay period .DELTA.T3 (when the vehicle is at location 508). Both the calculated trigger time .DELTA.T2 and the initial delay period .DELTA.T3 should be based on some multiple of the transit time .DELTA.T1, which is preferably stored in computer memory (see FIG. 6) and which is preferably the measurement of the actual time elapsing for the vehicle to travel from one position sensor to the other and thus is dependent on the vehicle's speed, column . Since Mee discloses the delay is based on the transit time, which is dependent upon the vehicles speed, it is clear to the Examiner that the transit time would vary as it is determined on a car by car basis, therefore, since the delay is based upon the transit time, the delay would vary (adjust) based on the transit time, which reads upon the claimed limitation).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Mee with Lock (modified by Moore) for providing an improved system for monitoring and photographing moving vehicles, (Mee, column 1 line 31-34).

As to **claim 11**, Lock (modified by Mee and Moore) as a whole teaches everything as claimed above, see claim 10 above. Lock is silent in regards to the device of claim 10, wherein said timing controller is adapted to determine the flashing frequency of the red light and to adjust the delaying element on the basis thereof.

However, Mee teaches wherein said timing controller is adapted to determine the flashing frequency of the red light and to adjust the delaying element on the basis

thereof (This feature 308 may include measuring the time of the right light cycle of traffic signal 40, then subtracting a predetermined time period (e.g., 1.0 second) to arrive at a modified red light cycle, column 11 line 53-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Mee with Lock (modified by Moore) for providing an improved system for monitoring and photographing moving vehicles, (Mee, column 1 line 31-34).

Regarding **claim 11**, Lock (modified by Mee, Moore, and Jang) as a whole teaches everything as claimed above, see claim 9. Lock is silent in regards to the device of claim 10, wherein said timing controller is adapted to determine the flashing frequency of the red light and to adjust the delaying element on the basis thereof.

However, Mee teaches wherein said timing controller is adapted to determine the flashing frequency of the red light and to adjust the delaying element on the basis thereof (This feature 308 may include measuring the time of the right light cycle of traffic signal 40, then subtracting a predetermined time period (e.g., 1.0 second) to arrive at a modified red light cycle, column 11 line 53-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Mee with Lock (modified by Moore and Jang) for providing an improved system for monitoring and photographing moving vehicles, (Mee, column 1 line 31-34).

As to **claim 12**, Lock (modified by Mee, Moore, and Jang) as a whole teaches everything as claimed above, see claim 10. Lock is silent in regards to the device of claim 10, wherein said timing controller is adapted to determine a response time of the red-light camera and to adjust the delaying element on the basis thereof.

However, Mee teaches wherein said timing controller is adapted to determine a response time of the red-light camera (In a specific embodiment, the presence signals are responsive to the presence of the vehicle over an induction loop 22 buried in the road and located outside the intersection zone. When the rear edge 30 of the vehicle 26 passes over the trailing edge 25 of the induction loop (the part of the loop closest to the intersection) a signal is transmitted indicating a shift from "presence" to "absence" of the vehicle, i.e., a "drop-out." A photograph is then taken after a calculated trigger time has elapsed, column), and to adjust the delaying element on the basis thereof (col. 12 line 54-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Mee with Lock (modified by Moore and Jang) for providing an improved system for monitoring and photographing moving vehicles, (Mee, column 1 line 31-34).

Regarding **claim 13**, Lock (modified by Mee, Moore, and Jang) as a whole teaches everything as claimed above, see claim 12. Lock is silent in regards to The device of claim 12, wherein a red light camera detector is connected to the timing controller and is capable measuring the response time of the red-light camera at each recording.

However, Mee teaches wherein a red light camera detector (fig. 2 element 36) is connected to the timing controller (column 9 line 39-46, fig. 2 element 34, and fig. 7 and is capable measuring the response time of the red-light camera at each recording (column 11 line 53-56 and fig. 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Mee with Lock (modified by Moore and Jang) for providing an improved system for monitoring and photographing moving vehicles, (Mee, column 1 line 31-34).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
13. Laird et al., US-6,647,361 B1 NON-VIOLATION EVENT FILTERING FOR A TRAFFIC LIGHT VIOLATION DETECTION SYSTEM
14. Hatae et al., US-6, 466, 260 B1 TRAFFIC SURVEILANCE SYSTEM
15. Mee et al., US-6,333,701 VIBRATION ACTURATED TRAFFIC MONITORING SYSTEM
16. Lemelson et al., US-6,333,328 INTELLIGENT TRAFFIC CONTROL AND WARNING SYSTEM AND METHOD

Examiner's Note

The referenced citations made in the rejection(s) above are intended to exemplify areas in the prior art document(s) in which the examiner believed are the most relevant to the claimed subject matter. However, it is incumbent upon the applicant to analyze

the prior art document(s) in its/their entirety since other areas of the document(s) may be relied upon at a later time to substantiate examiner's rationale of record. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). However, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA ROBERTS whose telephone number is (571)270-1821. The examiner can normally be reached on 7:30-5:00 EST Monday-Friday, Alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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